



Legislative Bulletin.....September 17, 2008

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Summary of the Bills Under Consideration Today:

Total Number of New Government Programs: Several

Total Cost of Discretionary Authorizations: \$1.35 billion over five years

Effect on Revenue: Increased by \$1.2 billion

Total Change in Mandatory Spending: Reduced by \$399 million over five years and \$82 million over ten years

Total New State & Local Government Mandates: 1

Total New Private Sector Mandates: 0

Number of Bills Without Committee Reports: 10

Number of Reported Bills that Don't Cite Specific Clauses of Constitutional Authority: 1

S. 3406—ADA Amendments Act of 2008 (*Harkin, D-IA*)

Order of Business: S. 3406 is scheduled for consideration on Wednesday, September 17, 2008, under a motion to suspend the rules and pass the bill.

Background on ADA: On June 25, 2008, the House passed H.R. 3195, the ADA Amendments Act of 2008 (Hoyer, D-MD) by a vote of [402-17](#). An RSC bulletin on H.R. 3195 can be found [here](#). This bill represents a slightly amended version of H.R. 3195. A comprehensive Heritage memo regarding the Senate ADA Amendments Act can be found [here](#).

The Americans with Disabilities Act (ADA) has been described by many as the most comprehensive nondiscrimination legislation since the Civil Rights Act of 1964. ADA provides broad nondiscrimination protection in employment, public services, public accommodation, and services operated by private entities, transportation, and telecommunications for individuals with disabilities. As to the language in ADA, the purpose of the legislation is “to provide a clear and comprehensive national mandate for the elimination of discrimination against individuals with disabilities.” As it is currently written, the ADA defines the term ‘disability’ with respect to an individual as “a physical or mental impairment that substantially limits one or more of the major life activities of such individual; a record of such an impairment; or being regarded as having such an impairment.”

According to the House Committee on Education and Labor Republican staff, “over the years, various legal interpretations of the ADA have limited its scope, in some cases preventing the law from offering the protections that were originally intended. For instance, the courts have ruled that someone able to treat the effects of his or her disability, through medication or technology, does not qualify for the law’s protections because he or she is not ‘disabled’ enough.”

As such, the ADA Amendments Act intends to address some of the recent court cases that have called into question the protections provided under the original ADA. This legislation is a result of numerous stakeholders coming together to find a balanced method of reform of the ADA without imposing new mandates which would negatively affect the original intent of the ADA.

Background on ADA Supreme Court Cases

According to CRS:

The Supreme Court in *Sutton v. United Air Lines* examined the definition of disability used in the ADA and found that the determination of whether an individual is disabled should be made with reference to measures that mitigate the individual’s impairment. The mitigating measures the plaintiffs used in *Sutton* were eyeglasses to correct their vision. Similarly, in *Murphy v. United Parcel Service, Inc.* the Court held that the fact that an individual with high blood pressure was unable to meet the Department of Transportation (DOT) safety standards was not sufficient to create an issue of fact regarding whether an individual is regarded as unable to utilize a class of jobs. The Court in *Murphy* found that an employee is regarded as having a disability if the covered entity mistakenly believes that the employee’s actual, nonlimiting impairment substantially limits one or more major life activities. In *Toyota Motor Manufacturing v. Williams*, the meaning of “substantially limits” was examined, and Justice O’Connor, writing for the unanimous Court, determined that the word substantial “clearly precluded impairments that interfere in only a minor way with the performance of manual tasks.” The Court also found that the term “major life activity” “refers to those activities that are of central importance to daily life.” Finding that these terms are to be “interpreted strictly,” the Court held that “to be substantially limited in performing manual tasks, an individual must have an impairment that prevents or severely restricts the individual from doing activities that are of central importance to most people’s daily lives.”

Since these Supreme Court decisions, lower courts have applied these holdings in various factual situations. For example, in *Orr v. Wal-Mart Stores, Inc.* the eighth circuit found that a pharmacist with diabetes who takes insulin and eats a special diet was not an individual with a disability because, with the medication and diet, the diabetes did not substantially affect a major life activity. Similarly, the eleventh circuit examined what are major life activities in *Littleton v. Wal-Mart*. The plaintiff, a 29-year-old man who was diagnosed with mental retardation as a child, was not hired for a position as a cart-push associate with Wal-Mart. The court found that “[i]t was unclear whether thinking, communicating and social interaction are ‘major life activities’ under the ADA” and noted that even if thinking, communicating, and social interaction were found to be major life activities, the plaintiff did not show that he was substantially limited in these activities.

Summary:

The ADA currently defines the term disability as:

“(A) a physical or mental impairment that substantially limits one or more of the major life activities of such individual; (B) a record of such an impairment; or (C) being regarded as having such an impairment.”

Section 3 of S. 3406 defines the term disability as:

“(A) a physical or mental impairment that substantially limits one or more major life activities of such individual; (B) a record of such an impairment; or (C) being regarded as having such an impairment **(as described in paragraph (3)).**”

Paragraph three reads:

“An individual meets the requirements of ‘being regarded as having such an impairment’ if the individual establishes that he or she has been subjected to an action prohibited under this Act because of an actual or **perceived** physical or mental impairment whether or not the impairment limits or is **perceived** to limit a major life activity.” [emphasis added]

Paragraph three of the bill elaborates on the requirements of the “regarded as” provision and provides that an individual meets the requirements of “being regarded as having such an impairment if the individual establishes that he or she has been subjected to an action prohibited under this Act because of an actual or perceived physical or mental impairment whether or not the impairment limits or is perceived to limit a major life activity.” The bill states that an individual does not meet the “regarded as” requirement if the impairment is transitory and minor. The bill defines a transitory impairment as an impairment with an actual or expected duration of six months or less. It may be important to note that the exemption for transitory and minor impairments is applicable only to the “regarded as” part of the definition of disability.

H.R. 3195 included a definition of “substantially limits” to mean “materially restricts a major life activity”—although the bill does not define “materially restricts”. This new language would have allowed for broader coverage than the current statutory language and caused many conservatives concern. S. 3406 has removed the “materially restricts” language and clarified the definition of “substantially limits”.

S. 3406 includes a section outlining major life activities, including major bodily functions, and provides examples of major life activities and major bodily functions (i.e. caring for oneself, seeing, hearing, learning, reading, thinking, communicating, working).

Committee Action: S. 3406 was introduced on July 31, 2008 and on September 9, 2008, passed the Senate by unanimous consent.

Possible Conservative Concerns: Some conservatives may be concerned that the broad expansion of the term “disability” under the bill may lead to an increased number of lawsuits and abuse of the ADA. With the broader definition of “disability,” the courts may end up being the normal arbiter of who is—and who is not—actually disabled. According to the Heritage Foundation, “Courts have found a variety of minor conditions to be impairments, including back and knee strains, high cholesterol, erectile dysfunction, headaches, and tennis elbow.” Such an elastic definition of disability may make the underlying ADA law far less effective in protecting the truly disabled. Furthermore, some conservatives may be concerned that this legislation will ultimately make it harder for employers to dismiss employees who are not genuinely disabled, thereby increasing their costs and incentivizing employers not to hire new employees, since it would be much harder to replace those that are unproductive “at will.”

Cost to Taxpayers: No CBO score exists for S. 3406.

Does the Bill Expand the Size and Scope of the Federal Government?: No.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No.

Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits? A Committee Report citing compliance with rules regarding earmarks, limited tax benefits, or limited tariff benefits was not available. Such a report is not required because the bill is being considered under a suspension of the rules.

Constitutional Authority: Such a report is not required because the bill is being considered under a suspension of the rules.

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H.R. 2608—SSI Extension for Elderly and Disabled Refugees Act (*McDermott, D-WA*)

Order of Business: H.R. 2608 is scheduled to be considered under a suspension of the rules on Wednesday, September 17, 2008.

Summary: H.R. 2608 increases from seven years to nine years the eligibility period of refugees and asylees to receive Supplemental Security Income (SSI) benefits. Refugees and asylees who have already had their eligibility for SSI benefits lapse would also be eligible to receive benefits for another two years. In addition, those who are in the process of applying for U.S. citizenship could also continue to receive SSI benefits even after the nine years have lapsed. The two year extension is effective for a three year period covering fiscal years 2009 to 2011.

H.R. 2608 also requires the Secretary of the Treasury to reduce an individual’s federal tax refund by the amount of debt an individual owes to a state’s unemployment compensation system for payments fraudulently received. The bill directs that the money saved be used to compensate the

state's unemployment compensation fund. This provision is included in the bill in order to offset the cost of the extension in SSI benefits.

In addition, the Senate amendment to H.R. 2608 would require refugees and asylees receiving SSI benefits to declare under penalty of perjury that they are making a "good faith" effort to pursue U.S. citizenship. This version of the bill would also require the Commissioner of Social Security and the Secretary of Homeland Security to develop criteria for consideration of the declaration. This language was added in an attempt to ensure that refugees and asylees taking advantage of the program are diligently working toward citizenship.

Additional Background: SSI is a federal program funded by general tax revenues (not Social Security taxes) designed to supplement the income of elderly and disabled people who have little or no income. Refugees and asylees, who have not yet become citizens, are eligible to receive SSI benefits for seven years. Beyond that period, in order to continue to receive benefits, a recipient must become a U.S. citizen.

One major policy change contained in the 1996 Welfare Reform law was to set limits on benefits for immigrants who are not citizens. In the case of refugees and asylees, the 1996 welfare reform bill set a five-year limit on SSI benefits. This was changed to the current seven-year limit in 1997.

According to Ways and Means Committee Republicans, "a primary barrier to citizenship within the current seven-year period of SSI eligibility for refugees is lengthy delays in processing of citizenship applications in some areas. Other barriers to citizenship, especially for elderly refugees, include a lengthy application, an in-person interview, a test of English proficiency and civic knowledge, and an application fee."

The Ways and Means Committee also cites data from the Social Security Administration (SSA) which states that 7,000 immigrants have had SSI benefits suspended, 4,500 will have benefits suspended this year, and 12,000 will lose SSI benefits over the next three years. H.R. 2608 originally passed in the House by voice vote on July 11, 2007, without language requiring alien SSI recipients to make a declaration that they are actively pursuing citizenship.

Some Members have expressed their opposition to extending the SSI benefit and increasing direct spending on services for non-U.S. citizens. Immigration Reform Caucus Chairman, Rep. Brian Bilbray is strongly urging a "no" vote on H.R. 2608, stating:

While I understand that certain legal noncitizen refugees, asylees, victims of trafficking, and Cuban/Haitian entrants need assistance when arriving in the United States (under current law they are eligible for 7 years of SSI benefits), I do not support extending SSI benefits for an additional 2 years at a time when the budget and government spending is out of control. Now is not the time to extend SSI benefits when many citizens are struggling and feeling the pain in their pocketbooks

The Ways and Means Income Security and Family Support Subcommittee had a hearing on the topic of SSI assistance for refugees on March 22, 2007, but this legislation was never marked up. The bill passed the House on July 11, 2007 by voice vote. On August 1, 2008 the Senate passed the bill as amended by unanimous consent.

H.R. 2608 extends the eligibility of certain legal noncitizen refugees, asylees, victims of trafficking, and Cuban/Haitian entrants to receive Supplemental Security Income (SSI) benefits for an additional two years (for a total of nine years after entry). The benefit extensions would be available in fiscal years 2009 through 2011 only.

The bill defines a qualified alien or victim of trafficking as a person who has been a lawful permanent resident for less than six years; has filed an application to become a lawful permanent resident within four years of receipt of SSI benefits; has been granted the status of Cuban and Haitian entrant; has had their deportation withheld by the Secretary of Homeland Security; has not attained age 18; or has attained age 70.

Supplemental Security Income (SSI) is a welfare program designed to assist low-income individuals who are disabled, blind, or 65 or older. The benefits were provided to more than 7 million people in 2006, with an average benefit of approximately \$450 per person per month.

Congress barred most non-U.S. citizens from receiving SSI benefits as a part of the welfare reforms passed in 1996. An exemption was created for legal refugees, asylees, and related categories; this exemption currently allows the payment of SSI benefits to these legal refugees and related categories during their first seven years in the U.S. This exemption was designed to provide sufficient time for those who seek to become citizens to navigate the naturalization process to completion.

This bill would extend SSI benefit eligibility for up to an additional two years (for a total of nine years) for all refugees and asylees, and for up to a total of ten years for those whose citizenship applications remain pending after the end of their ninth year in the U.S.

For more background on SSI benefits, visit this website:

<http://www.socialsecurity.gov/ssi/index.htm>.

Committee Action: H.R. 2608 was referred to the House Committee on Ways and Means on June 7, 2007, which took no further action. On July 11, 2007, the bill passed the House by voice vote. On July 16, 2007, the bill was received in the Senate and referred to the Committee on Finance, which discharged the bill by unanimous consent on August 1, 2008. The same day the bill passed the Senate by unanimous consent, with an amendment.

Cost to Taxpayers: According to preliminary estimates by CBO and JCT, H.R. 2608 would reduce spending by \$83 million over five years and \$384 million over ten years. Revenues would be reduced by \$62 million over five years and \$326 million over ten years.

Does the Bill Expand the Size and Scope of the Federal Government? No.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates? No.

Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits? A Committee Report for H.R. 2608 was not available.

Constitutional Authority: A Committee Report for H.R. 2608 was not available.

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H.R. 6893—Fostering Connections to Success Act *(McDermott, D-WA)*

Order of Business: The bill is scheduled to be considered on Wednesday, September 17, 2008, under a motion to suspend the rules and pass the bill.

Summary: H.R. 6893 would amend certain federal programs that offer grants and funding to state, local, and tribal governments, as well as non-profit organizations, that provide foster care and adoptive assistance. Most notably, the bill would provide foster care assistance payments to relatives that assume permanent assistance of foster children. The bill would also allow states to make federal foster payments to children until they are 21 years old, provide direct federal assistance payments to tribal governments, and expand eligibility for certain assistance funds. In addition, the bill includes two revenue-raising offset provisions which narrow the definition of a “child” in regards to tax credits and the give the Treasury authority to invest operating cash. The highlights of the bill follow below.

Kinship Guardian Assistance Payments: The bill would authorize states to use federal foster care funds to provide financial assistance payments to relatives of children in foster care that agree to become permanent guardians. The agreement between the state and relatives that provide permanent care would specify the amount of the “kinship guardian assistance payment” and the manner in which the payment would be made. The bill would require the state to pay any non-recurring fees associated with obtaining legal guardianship of the child, not exceeding \$2,000. In general, the kinship guardian assistance payment would be equal to the amount of foster care maintenance payments for which the child had been eligible in foster care.

Family Connection Grants: H.R. 6893 would authorize the Secretary of the Department of Health and Human Services (HHS) to provide matching grants to state, local, or tribal governments and non-profit organizations that have experience working with foster children or children in kinship care relationships. These grants would be used to assist children who are in foster care, or in danger of going into foster care, to reconnect with their families and be placed in a permanent living situation with their families.

Grants made under this section would be available for at least one year, but HHS would not be authorized to make more than 30 new grants each year. The earlier legislation would have limited the number of new grants made each year to 20. Multiple-year federal grants would be authorized to cover 75% of the total cost of the program for the first two years and 50% in each following year. The bill would authorize \$15 million annually for the program from FY 2009—FY 2013. The House-passed version of this legislation (H.R. 6307) would have authorized \$50 million annually over the same period.

Notification to Relatives of Foster Care Placement: The bill would require a state that receives federal funding for foster care and adoption assistance to attempt to notify other relatives within 30 days of a child being removed from the custody of their parents and placed in foster care.

State Option for Children in Foster Care After Attaining the age of 18: H.R. 6893 would allow states to continue to provide foster care assistance to children up to the age of 21 in certain situations. The bill would allow a state to set the age limit for receiving foster care assistance (which is currently 18) to 19, 20, or 21 years old. Any individual over 18 would be required to be enrolled in secondary education, work at least 80 hours each month, or attend a job-training program to receive the funds.

Short Term Training for Child Welfare Agencies and Prospective Relative Guardians: The legislation would increase the eligibility for foster care training assistance to non-profit child welfare organizations and prospective relative guardians of children in foster care.

Equitable Access for Foster Care and Adoptive Service for Children in Tribal Areas: H.R. 6893 would allow tribal governments and organizations to receive direct foster and adoptive care funding assistance from the federal government. Under current law, funding assistance is transmitted to tribal governments via the states.

Educational Stability: The bill would require a foster child's case plan to ensure educational stability during the time that the child is in foster, relative, or adoptive care and receiving federal assistance. The plan would have to ensure that a child receiving assistance is attending full-time school through a minimum age required by the state.

Adoptive Incentive Program: H.R. 6893 reauthorizes the Adoption Incentives Program, which provides payments of up to \$4,000 per child annually to guardians who adopt. The program offers higher financial incentives to people who adopt special needs children from foster care or children over the age of nine. The bill reauthorizes the program, which will expire on September 30, 2008, through FY 2013. The program would be authorized at \$43 million annually from FY 2009—FY 2013. In addition, H.R. 6893 would increase the amount of the maximum payment for parents that adopt a child over nine years old from \$4,000 to \$8,000.

Adoption Tax Credit: The legislation requires a state to notify anyone adopting a child in foster care of the adoption tax credit that exists under current law. The tax credit for adopting a child in foster care was \$11,650 per child in 2008.

Offsets: In order to supplement the costs of the bill, H.R. 6893 provides for two offsets to raise revenues and reduce refunds:

- **Clarification of the Uniform Definition of Child:** H.R. 6893 would reduce tax credit refunds and raise tax revenues by tightening restrictions on parents that claim adult children as dependents in order to qualify for child-related tax benefits. The bill would clarify the definition of a "child" to limit the ability of individuals to claim adults as dependent children in order to receive tax credits. The bill would specify that a child must be younger than the person claiming the tax credit and unmarried to be claimed as a dependent. In addition, the bill would stipulate that a child may be claimed as a dependent of a non-parent only if the child's parents do not claim the child as a dependent and the claimant's adjusted gross income is higher than that of the child's parents. CBO estimates that this provision will raise \$1.4 billion over ten years.

- **Investment of Operating Cash:** H.R. 6893 would allow the Secretary of Treasury to invest any part of the operating cash of the Treasury for up to 90 days. The bill would allow the Secretary to invest in obligations of depositories that maintain Treasury tax and loan accounts, obligations of the U.S. government, and repurchase agreements with parties acceptable to the Secretary. The bill would require the Secretary to consider potential risks and the prevailing market when investing. CBO estimates that this provision will raise \$100 million over ten years.

No Federal Funds to Unlawfully Present Individuals: The legislation states that “Nothing in this Act shall be construed to alter prohibitions on Federal payments to individuals who are unlawfully present in the United States.”

Previous Consideration: On June 24, 2008, the House passed H.R. 6307, the Fostering Connections to Success Act, by voice vote. The legislation reauthorized federal assistance programs that encourage and support foster care and adoption, and make payments to foster and adoptive families. H.R. 6307 provided foster care assistance payments to relatives that assume permanent guardianship of foster children, allowed states to make federal foster payments to children until they are 21 years old, provided direct federal assistance payments to tribal governments, and expand eligibility for certain assistance funds. The bill also included provisions to raise revenues in order to pay for foster and adoptive support programs.

H.R. 6307 was not acted upon by the Senate, and H.R. 6893, the bill under consideration today, has been offered as a compromise package that the Senate will likely consider rather than going to conference on H.R. 6307. Though both bills authorize very similar programs, there are some noteworthy distinctions between the bills.

H.R. 6893 drastically reduces the total amount of money authorized to fund Family Connection Grants from the level authorized in the original legislation. H.R. 6893 would authorize \$15 million annually over five years to fund the Family Connection Grants program, while the House-passed bill authorized \$50 million annually over the same period.

In addition, H.R. 6893 includes an alternate revenue raising provision. The original House-passed legislation would have authorized the Internal Revenue Service (IRS) to reduce federal tax refunds to certain individuals in order to collect unemployment compensation debts that are owed to a state because of fraud. The state would have had to notify the IRS that an overpayment of unemployment compensation has occurred and the IRS would then reduce the tax refund of an individual that has received a fraudulent overpayment by the same amount. The deducted amount would be paid to the state. The legislation under consideration today omits this revenue raising proposal and substitutes it with a provision tightening the restrictions on taxpayers that claim adult children as dependents in order to qualify for child-related tax benefits.

Additional Background: The Department of Health and Human Services (HHS) operates the Administration for Children and Families, which provides federal grant and assistance funding to states for the operation of their foster and adoptive care systems. Funding for the program,

which is considered mandatory entitlement spending, totaled \$6.9 billion in FY 2008. The Bush Administration has requested the same total for FY 2009. Of those funds, \$4.5 billion would be spent on foster care assistance, while \$2.3 billion would be spent on adoption assistance.

Payments for foster care assistance are made to the states to supplement the cost of training for staff and foster parents, assistance payments made to foster parents, administrative costs, and child care. Federal funding under the program is tied to certain requirements, such as permanency placement goals for children in foster care and goals that attempt to reunite children with their parents. Similarly, the Adoption Assistance Program provides funding to states to assist families that adopt children with special needs. The Administration for Children and Families estimated that, in 2007, 212,000 individual children received federal foster care assistance and 390,000 children received adoption care assistance. HHS also operates a number of discretionary programs that offer foster care and adoption assistance, such as the Adoption Incentives Program, which is reauthorized by H.R. 6893.

Committee Action: H.R. 6893 was introduced on September 15, 2008, and referred to the Committee on Ways and Means, which took no official action.

Cost to Taxpayers: According to a preliminary estimate by CBO, H.R. 6893 would reduce spending by \$326 million over five years and increase spending by \$292 million over ten years. Revenues would be increased by \$123 million over five years and \$307 million over ten years.

Does the Bill Expand the Size and Scope of the Federal Government? Yes, H.R. 6893 expands federal foster care and adoption assistance programs.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates? No.

Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits? A Committee Report for H.R. 6893 was not available.

Constitutional Authority: A Committee Report for H.R. 6893 was not available.

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H. Res. 1432—Supporting National Adoption Day and National Adoption Month (Porter, R-NV)

Order of Business: The resolution is scheduled to be considered on Wednesday, September 17, 2008, under a motion to suspend the rules and pass the resolution.

Summary: H.Res. 1432 would express the sense that the House of Representatives

- “Supports the goals and ideals of National Adoption Day and National Adoption Month;

- “Recognizes that every child in foster care deserves a permanent and loving family;
- “Recognizes the significant commitment of taxpayers to support adoption, including the \$1,900,000,000 provided to support adoption through the Title IV-E Adoption Assistance program, as well as the assistance provided through the Title IV-E Foster Care program to 130,000 children waiting for adoptive families, among other important programs; and
- “Encourages the citizens of the United States to consider adoption of children in foster care who are waiting for a permanent, loving family.”

The resolution lists a number of findings, including:

- “There are nearly 500,000 children in the foster care system in the United States, approximately 130,000 of whom are waiting for families to adopt them;
- “Nearly 54 percent of the children in foster care are age 10 or younger;
- “The average length of time a child spends in foster care is more than 2 years;
- “For many foster children, the wait for a permanent, adoptive, “forever” family in which they are loved, nurtured, comforted, and protected seems endless;
- “The number of youth who “age out” of the foster care system by reaching adulthood without being placed in a permanent home has increased by more than 58 percent since 1998, as nearly 27,000 foster youth “aged out” of foster care during 2007;
- “Every day loving and nurturing families are strengthened and expanded when committed and dedicated individuals make an important difference in the life of a child through adoption;
- “While 3 in 10 people in the United States have considered adoption, a majority of them have misconceptions about the process of adopting children from foster care and the children who are eligible for adoption;
- “71 percent of those who have considered adoption consider adopting children from foster care above other forms of adoption;
- “45 percent of people in the United States believe that children enter the foster care system because of juvenile delinquency, when in reality the vast majority of children in the foster care system were victims of neglect, abandonment, or abuse;
- “46 percent of people in the United States believe that foster care adoption is expensive, when in reality there is no substantial cost for adopting from foster care, and financial support in the form of an adoption assistance subsidy is available to adoptive families of eligible children adopted from foster care and continues after the adoption is finalized until the child is 18, so that income will not be a barrier to becoming a parent to a foster child who needs to belong to a family;
- “Significant tax credits are available to families who adopt children with special needs;
- “The Department of Health and Human Services, Administration for Children and Families, in a partnership with the Ad Council, supports a national recruitment campaign for adoptive parents;
- “The Collaboration to AdoptUsKids features a photo listing Website for waiting foster children and prospective adoptive families at www.adoptuskids.org, and in Spanish at www.adopte1.org;
- “National Adoption Day is a collective national effort to find permanent, loving families for children in the foster care system;

- “Since the first National Adoption Day in 2000, 20,000 children have joined forever families during National Adoption Day;
- “In 2006, adoptions were finalized for over 3,300 children through more than 250 National Adoption Day events in all 50 States, the District of Columbia and Puerto Rico;
- “National Adoption Month celebrates the gift of adoption, recognizing the adoptive and foster families who share their hearts and homes with children in need, and raises awareness of the need for families for the many waiting children, particularly older children and teens, children of color, members of sibling groups, and children with physical and emotional challenges; and
- “November 2008 is National Adoption Month, and November 15, 2008, is National Adoption Day, and activities and information about both are available at www.childwelfare.gov/adoption/nam/activities.cfm.”

Committee Action: H.Res. 1432 was introduced on September 17, 2008, and referred to the House Committee on Ways and Means, which took no official action.

Cost to Taxpayers: The resolution does not authorize expenditures.

Does the Bill Expand the Size and Scope of the Federal Government? No.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates? No.

RSC Staff Contact: Sarah Makin; sarah.makin@mail.house.gov; 202-226-0718

H.R. 6681—To designate the facility of the United States Postal Service located at 300 Vine Street in New Lenox, Illinois, as the “Jacob M. Lowell Post Office Building” (Weller, R-IL)

Order of Business: H.R. 6681 is scheduled for consideration on Wednesday, September 17, 2008, under a motion to suspend the rules and pass the bill.

Summary: H.R. 6681 would designate the facility of the United States Postal Service located at 300 Vine Street in New Lenox, Illinois, as the “Jacob M. Lowell Post Office Building.”

Additional Background: According to the Associated Press, 22 year old Army Pfc. Jacob Michael Lowell, from the Chicago suburb of New Lenox, Illinois, was killed in Afghanistan on June 2, 2007. A 2003 graduate of Lincoln-Way Central High School, Lowell was known for his love of playing football and cheering for the Chicago Bears. Lowell joined the Army after attending St. Xavier University and was assigned to the 1st Battalion, 503rd Infantry Regiment (Air Assault), 173rd Airborne Brigade, Camp Ederle, Italy. Lowell was serving in his first overseas deployment and had been in Afghanistan for two weeks when he was killed as his unit “came in contact with enemy forces using a rocket propelled grenade and small arms fire,” according to the Defense Department.

Committee Action: H.R. 6681 was introduced on July 30, 2008, and referred to the Committee on Oversight and Government Reform, which held a mark-up and reported the bill by voice vote on September 10, 2008.

Cost to Taxpayers: A CBO score for H.R. 6681 is unavailable, but the only costs associated with a U.S. post office renaming are those for sign and map changes, none of which significantly affect the federal budget.

Does the Bill Expand the Size and Scope of the Federal Government? No.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates? No.

Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits? A Committee Report citing compliance with rules regarding earmarks, limited tax benefits, or limited tariff benefits was not available. Such a report is not required because the bill is being considered under a suspension of the rules.

Constitutional Authority: Although no committee report citing constitutional authority is available, Article I, Section 8, Clause 7 of the Constitution grants Congress the authority to establish Post Offices and post roads.

RSC Staff Contact: Andy Koenig; andy.koenig@mail.house.gov; 202-226-9717.

H.R. 6229—To designate the facility of the United States Postal Service located at 2523 7th Avenue East in North Saint Paul, Minnesota, as the “Mayor William ‘Bill’ Sandberg Post Office Building” (*McCollum, D-MN*)

Order of Business: H.R. 6229 is scheduled for consideration on Wednesday, September 17, 2008, under a motion to suspend the rules and pass the bill.

Summary: H.R. 6229 would designate the facility of the United States Postal Service located at 2523 7th Avenue East in North Saint Paul, Minnesota, as the “Mayor William ‘Bill’ Sandberg Post Office Building.”

Additional Background: Bill Sandberg served as mayor of North St. Paul, Minnesota for 30 years. According to the Minneapolis Star-Tribune, “Sandberg did the hard work of consensus building when the City Council he led considered the weighty issues before it. Aided by his wit and good humor, he avoided the political acrimony that can be found in government, which supporters say led to his political endurance.” Sandberg, a funeral director by trade, died on April 19, 2008, at his North St. Paul home of acute myeloid leukemia. Sandberg was 76 years old.

Committee Action: H.R. 6229 was introduced on June 10, 2008, and referred to the Committee on Oversight and Government Reform, which held a mark-up and reported the bill by voice vote on July 16, 2008.

Cost to Taxpayers: A CBO score for H.R. 6229 is unavailable, but the only costs associated with a U.S. post office renaming are those for sign and map changes, none of which significantly affect the federal budget.

Does the Bill Expand the Size and Scope of the Federal Government? No.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates? No.

Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits? A Committee Report citing compliance with rules regarding earmarks, limited tax benefits, or limited tariff benefits was not available. Such a report is not required because the bill is being considered under a suspension of the rules.

Constitutional Authority: Although no committee report citing constitutional authority is available, Article I, Section 8, Clause 7 of the Constitution grants Congress the authority to establish Post Offices and post roads.

RSC Staff Contact: Andy Koenig; andy.koenig@mail.house.gov; 202-226-9717.

H.R. 6338— To designate the facility of the United States Postal Service located at 4233 West Hillsboro Boulevard in Coconut Creek, Florida, as the “Army SPC Daniel Agami Post Office Building” (*Klein, D-FL*)

Order of Business: H.R. 6338 is scheduled for consideration on Wednesday, September 17, 2008, under a motion to suspend the rules and pass the bill.

Summary: H.R. 6338 would designate the facility of the United States Postal Service located at 4233 West Hillsboro Boulevard in Coconut Creek, Florida, as the “Army SPC Daniel Agami Post Office Building.”

Additional Background: Daniel Agami was born on January 2, 1982, and was raised in Coconut Creek, Florida. According to the Associated Press, “Agami died June 21, 2007, from injuries he suffered when an improvised explosive device detonated near his vehicle in Baghdad, the Department of Defense said June 25. Agami and the others killed were assigned to the 1st Battalion, 26th Infantry Regiment, 2nd Brigade Combat Team, 1st Infantry Division, based in Schweinfurt, Germany.” Following his death, Agami was awarded the Purple Heart, Bronze Star and an Army commendation.

Committee Action: H.R. 6338 was introduced on June 20, 2008, and referred to the Committee on Oversight and Government Reform, which held a mark-up and reported the bill by voice vote on July 16, 2008.

Cost to Taxpayers: A CBO score for H.R. 6338 is unavailable, but the only costs associated with a U.S. post office renaming are those for sign and map changes, none of which significantly affect the federal budget.

Does the Bill Expand the Size and Scope of the Federal Government? No.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates? No.

Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits? A Committee Report citing compliance with rules regarding earmarks, limited tax benefits, or limited tariff benefits was not available. Such a report is not required because the bill is being considered under a suspension of the rules.

Constitutional Authority: Although no committee report citing constitutional authority is available, Article I, Section 8, Clause 7 of the Constitution grants Congress the authority to establish Post Offices and post roads.

RSC Staff Contact: Andy Koenig; andy.koenig@mail.house.gov; 202-226-9717.

S. 171—A bill to designate the facility of the United States Postal Service located at 301 Commerce Street in Commerce, Oklahoma, as the “Mickey Mantle Post Office Building” (Inhofe, R-OK)

Order of Business: S. 171 is scheduled for consideration on Wednesday, September 17, 2008, under a motion to suspend the rules and pass the bill.

Summary: S. 171 would designate the facility of the United States Postal Service located at 301 Commerce Street in Commerce, Oklahoma, as the “Mickey Mantle Post Office Building.”

Additional Background: According to Mickey Mantle’s official Website, “Mickey Charles Mantle was born on October 20, 1931 in Spavinaw, Oklahoma. Mickey attended Commerce High School and excelled in baseball, football and basketball. Yankee scout, Tom Greenwade, discovered Mickey while he was playing for the Baxter Springs Whiz Kids in 1948. Mickey played in 12 World Series during his 18 year career with the Yankees and he led them to seven World Championships. Mickey still holds the record for most World Series home runs with 18 as well as several other World Series records. He was inducted into the National Baseball Hall of Fame in 1974.”

Committee Action: S. 171 was received in the House on February 27, 2007, and referred to the Committee on Oversight and Government Reform, which held a mark-up and reported the bill by voice vote on June 12, 2008.

Cost to Taxpayers: A CBO score for S. 171 is unavailable, but the only costs associated with a U.S. post office renaming are those for sign and map changes, none of which significantly affect the federal budget.

Does the Bill Expand the Size and Scope of the Federal Government? No.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates? No.

Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits? A Committee Report citing compliance with rules regarding earmarks, limited tax benefits, or limited tariff benefits was not available. Such a report is not required because the bill is being considered under a suspension of the rules.

Constitutional Authority: Although no committee report citing constitutional authority is available, Article I, Section 8, Clause 7 of the Constitution grants Congress the authority to establish Post Offices and post roads.

RSC Staff Contact: Andy Koenig; andy.koenig@mail.house.gov; 202-226-9717.

H.R. 6772—To designate the facility of the United States Postal Service located at 1717 Orange Avenue in Fort Pierce, Florida, as the “CeeCee Ross Lyles Post Office Building” (Mahoney, D-FL)

Order of Business: H.R. 6772 is scheduled for consideration on Wednesday, September 17, 2008, under a motion to suspend the rules and pass the bill.

Summary: H.R. 6772 would designate the facility of the United States Postal Service located at 301 Commerce Street in Commerce, Oklahoma, as the “Mickey Mantle Post Office Building.”

Additional Background: Cee Cee Ross Lyles was a flight attendant on United flight 93, which was high jacked by terrorists and crashed in Pennsylvania en route to Washington, D.C. on September 11, 2001. Lyles was born and raised in Fort Pierce, Florida, and prior to becoming a flight attendant, she served as a police officer for the city of Fort Pierce. The Cee Cee Ross Lyles Memorial Scholarship was established in her honor and provides opportunities to students attending through the Indian River Community College.

Committee Action: H.R. 6772 was received in the House on August 1, 2008, and referred to the Committee on Oversight and Government Reform, which held a mark-up and reported the bill by voice vote on September 10, 2008.

Cost to Taxpayers: A CBO score for H.R. 6772 is unavailable, but the only costs associated with a U.S. post office renaming are those for sign and map changes, none of which significantly affect the federal budget.

Does the Bill Expand the Size and Scope of the Federal Government? No.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates? No.

Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits? A Committee Report citing compliance with rules regarding earmarks, limited tax benefits, or limited tariff benefits was not available. Such a report is not required because the bill is being considered under a suspension of the rules.

Constitutional Authority: Although no committee report citing constitutional authority is available, Article I, Section 8, Clause 7 of the Constitution grants Congress the authority to establish Post Offices and post roads.

RSC Staff Contact: Andy Koenig; andy.koenig@mail.house.gov; 202-226-9717.

**H. Res. 1356—Celebrating the 221st anniversary of the signing of the
Constitution of the United States of America, and for other purposes
(Garret, R-NJ)**

Order of Business: The resolution is scheduled to be considered on Wednesday, September 17, 2008, under a motion to suspend the rules and pass the resolution.

Summary: H. Res. 1356 would express the sense that the House or Representatives

- “Celebrates the 221st anniversary of the signing of the Constitution of the United States of America;
- “Honors the efforts of the 42 delegates who attended the majority of the Constitutional Convention meetings and the 39 signers of the Constitution of the United States;
- “Acknowledges the significance of the ideals established by the Constitution of the United States, including the principle of a limited Federal Government with a system of checks and balances between the 3 branches;
- “Recognizes the Constitution of the United States as the source responsible for our Nation's ability to withstand calamity and preserve national stability, or as Thomas Jefferson wrote, ‘Our peculiar security is in the possession of a written Constitution’; and
- “Encourages the citizens of the United States of America, who have the privilege to share in the freedoms recognized in the Constitution of the United States, to join with the House of Representatives in this historic celebration.”

The resolution lists a number of findings, including:

- “The Constitution of the United States of America was formally signed on September 17, 1787, by 39 delegates from 12 States;
- “The Constitution of the United States was subsequently ratified by each of the original 13 States;
- “The Constitution of the United States was drafted in order to form a more perfect union, establish justice, ensure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty for citizens of our Nation;
- “The liberties enjoyed by the citizens of the United States today are rooted in this cherished document that gave birth to our Nation;
- “The Constitution of the United States serves as the foundation for citizens of the United States to accomplish a level of prosperity, security, justice, and freedom unsurpassed by any other country;
- “The Constitution of the United States is a model for establishing freedom in other countries;
- “The Members of the House of Representatives take an oath to support and defend the Constitution of the United States; and
- “September 17, 2008, is the 221st anniversary of the signing of the Constitution of the United States.

Committee Action: H. Res. 1356 was introduced on July 17, 2008, and referred to the Committee on Oversight and Government Reform, which held a mark-up and reported the bill by voice vote on September 10, 2008.

Cost to Taxpayers: The resolution does not authorize expenditures.

Does the Bill Expand the Size and Scope of the Federal Government? No.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates? No.

RSC Staff Contact: Sarah Makin; sarah.makin@mail.house.gov; 202-226-0718

S. 996—To amend title 49, United States Code, to expand passenger facility fee eligibility for noise compatibility projects (*Feinstein, D-CA*)

Order of Business: S. 996 is scheduled to be considered on Wednesday, September 17, 2008, under a motion to suspend the rules and pass the bill.

Summary: S. 996 would authorize the Department of Transportation (DOT) to allow Los Angeles World Airports, which manages the Los Angeles International Airport (LAX), to provide passenger facility fees to local school districts to carry out noise mitigation activities. The funds could be used to replace temporary buildings with permanent structures or to sound-

proof permanent buildings affected by airport noise. In order for a school to receive passenger facility fees, the Secretary of DOT would have to verify that:

- The building is adversely affected by airport noise.
- The building is owned or chartered by the Lennox or Inglewood school districts.
- The costs of the mitigation project are limited to the costs necessary to bring the aircraft noise to a level meeting current standards of the Federal Aviation Administration (FAA).
- The mitigation plan meets all other current requirements for receiving a passenger facility fee.

Additional Information: In 1980 the city of Los Angeles was sued by a local school district that contended that its proximity to LAX resulted in excessive noise that disrupted classes. The city settled with the Lennox School District, which allowed LAX an easement in exchange for a payment of \$2.5 million. As air traffic and noise continued to increase, the Lennox and Inglewood school districts brought another suit against Los Angeles World Airports seeking funds to conduct projects to mitigate the affect of the noise. In 2005, another settlement was reached between the two parties under which Los Angeles World Airports would give the schools passenger facility fees collected by airports to fund a myriad of projects. Under current law, airports may only charge up to \$4.50 in passenger facility fees per passenger, and the DOT must approve of how the funds are spent. S. 996 would authorize Los Angeles World Airports to use passenger facility fees to pay the Lennox and Inglewood school districts to conduct noise mitigation projects.

Committee Action: S. 996 was introduced on March 27, 2007, and referred to the Senate Committee on Commerce, Science, and Transportation, which reported the bill by unanimous consent on February 28, 2008. The same day the bill passed the Senate by unanimous consent and was received in the House. On March 3, 2008, he bill was referred to the House Committee on Transportation and Infrastructure, which took no official action.

Cost to Taxpayers: No CBO score for this legislation is available.

Does the Bill Expand the Size and Scope of the Federal Government? No.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates? No.

Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits? A Committee Report citing compliance with rules regarding earmarks, limited tax benefits, or limited tariff benefits was not available.

Constitutional Authority: A Committee Report citing constitutional authority was not available.

RSC Staff Contact: Andy Koenig; andy.koenig@mail.house.gov; 202-226-9717.

H. Con. Res. 408—Recognizing North Platte, Nebraska, as “Rail Town USA” (Smith, R-NE)

Order of Business: The resolution is scheduled to be considered on Wednesday, September 17, 2008, under a motion to suspend the rules and pass the resolution.

Summary: H. Con. Res. 408 would express the sense that the Congress recognizes North Platte, Nebraska, as “Rail Town USA.”

The resolution lists a number of findings, including:

- “The community of North Platte, Nebraska, in western Nebraska is located at the convergence of the North and South Platte Rivers and possesses a rich and vibrant history;
- “The railroad has played a significant role in the history of the community;
- “On January 2, 1867, main line operations officially commenced in North Platte, Nebraska;
- “Trains were vital during our country’s war efforts, transporting troops, equipment, and supplies across the country;
- “During World War II hundreds of citizens from North Platte, Nebraska, assembled at the local depot to greet troops passing through town by train and provide soldiers with food, coffee, and gifts;
- “For 54 months between 1941 and 1946, millions of troops found a small bit of comfort when their trains stopped in North Platte, Nebraska;
- “At the war’s peak 3,000 to 5,000 personnel were greeted daily, with North Platte, Nebraska, sometimes hosting up to 20 trains a day;
- “Bailey Yard in North Platte, Nebraska, is the largest railroad classification yard in the world;
- “Bailey Yard covers 2,850 acres, reaching a total length of 8 miles, and contains 315 miles of track;
- “Every 24 hours, Bailey Yard handles 10,000 railroad cars; and
- “Mid-Plains Community College in North Platte, Nebraska, offers railroad-specific courses in order to enhance student preparation for possible employment in the railroad discipline.”

Committee Action: H. Con. Res. 408 was introduced on July 31, 2008, and referred to the Committee on Transportation and Infrastructure’s Subcommittee on Railroads, Pipelines, and Hazardous Material, which took no official action.

Cost to Taxpayers: The resolution does not authorize expenditures.

Does the Bill Expand the Size and Scope of the Federal Government? No.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates? No.

RSC Staff Contact: Andy Koenig; andy.koenig@mail.house.gov; 202-226-9717.

H.R. 3986—John F. Kennedy Center Reauthorization Act of 2007 *(Oberstar, D-MN)*

Order of Business: H.R. 3986 is scheduled to be considered on Wednesday, September 17, 2008, under a motion to suspend the rules and pass the bill.

Summary: H.R. 3986 would authorize \$204 million to fund for the John F. Kennedy Center for the Performing Arts in Washington, D.C through FY 2012. The bill authorizes the following funds for the John F. Kennedy Center:

- For maintenance, repair, and security, H.R. 3986 authorizes \$20.2 million for fiscal year 2008; \$21.8 million for fiscal year 2009; and \$22.5 million for fiscal year 2010; \$23.5 million for fiscal year 2011; \$24.5 million for fiscal year 2012.
- H.R. 3986 also authorizes for “capital projects” \$23.1 million for fiscal year 2008; \$16 million for fiscal year 2009; and \$17 million for fiscal year 2010; \$17 million for fiscal year 2011; and \$18.5 million for fiscal year 2012.

In addition, H.R. 3986 would require the Board of the John F. Kennedy Center for the Performing Arts to study, plan, design, engineer, and construct a photovoltaic system (solar power) for the main roof of the Kennedy Center. The Board must also author a report no later than 60 days before beginning construction of the photovoltaic system pursuant to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate regarding the feasibility and design of the project.

H.R. 3986 authorizes “such sums as may be necessary” to carry out the engineering and construction of a photovoltaic system, “with such sums to remain available until expended.” CBO estimates that the photovoltaic system will require the appropriation of \$6 million over the FY 2009 through FY 2013 period.

Background: The Kennedy Center is a national cultural center, first chartered by Congress in 1958 and designated to honor the late President John F. Kennedy in 1964. The current building was constructed in the late 1960’s and was officially opened in September 1971. H.R. 3986 was originally passed in the House by voice vote on December 11, 2007. The House-passed version of the bill authorized \$121 million in funding for the Kennedy Center over three years, through FY 2010. The Senate amendment to the bill would authorize \$204 million in funding for five years, through FY 2012.

Committee Action: H.R. 3986 was introduced on October 29, 2007 and was referred to the House Committee on Transportation and Infrastructure. On October 31, 2007, the Committee held a mark-up on H.R. 3986 and ordered the bill to be reported by voice vote. On December 11, 2007, the House passed the bill by voice vote. The bill was received in the Senate and

referred to the Committee on Environment and Public Works. On June 26, 2008, the Senate passed H.R. 3986, with an amendment, by unanimous consent.

Cost to Taxpayers: According to the CBO, this bill would authorize \$49 million in FY2008 and a total of \$204 million over the FY 2009 through FY 2013 period. Enacting the bill would not affect direct spending or revenues.”

Does the Bill Expand the Size and Scope of the Federal Government? No.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates? No.

Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits? An earmarks/revenue benefits statement required under House Rule XXI, Clause 9(a) was not available at press time.

Constitutional Authority: A committee report citing constitutional authority is unavailable. House Rule XIII, Section 3(d)(1), requires that all committee reports contain “a statement citing the specific powers granted to Congress in the Constitution to enact the law proposed by the bill or joint resolution.”

RSC Staff Contact: Sarah Makin; sarah.makin@mail.house.gov; 202-226-0718.

H.R. 6460—Great Lakes Legacy Reauthorization Act of 2008 (Ehlers, R-MI)

Order of Business: H.R. 6460 is scheduled to be considered under suspension of the rules on Wednesday, September 17, 2008.

Summary: H.R. 6460 would reauthorize programs contained in the Great Lakes Legacy Act of 2002 for five years, through FY 2013. The bill would authorize the appropriation of \$750 million through FY 2013 (\$150 million annually) to carry out projects to reduce sediment contamination in areas of concern and \$25 million over the same period (\$5 million annually) for research and development projects.

Under the bill the Environmental Protection Agency (EPA) would be authorized to fund projects to evaluate, remediate, and prevent contaminated sediment in the Great Lakes through FY 2013. H.R. 6460 authorize funds to be used for projects aimed at restoring aquatic habitats if such projects are conducted in a manner that also addresses contaminated sediment. The bill would also authorize the EPA to conduct “initial site characterization” to assess the extent of sediment contamination in a particular area. In addition, the legislation would expand the types of in-kind contributions that could be considered as the non-federal share of the project and would require the EPA provide assurance that non-federal partners are “responsible parties.”

H.R. 6460 would authorize \$5 million annually through FY 2013 to carry out research and development projects in coordination with federal, state, and local officials.

Additional Background: The Great Lakes Legacy Act was passed in 2002 in order to provide federal funding to combat toxic substances that contaminate the sediment in the bottom of rivers and bays that feed in the Great Lakes. According to the EPA, “These contaminants have the potential to cause harm to humans, aquatic organisms, and wildlife, and there are advisories against consuming the fish from most water bodies around the Great Lakes. These problem harbor and tributary areas in the Great Lakes basin have been identified and labeled as “areas of concern (AOCs)” with 31 of the 43 AOCs located on the U.S. side of the Great Lakes. The Great Lakes Legacy Act is specifically tailored to address contaminated sediment in these AOCs that are located entirely, or partially in the U.S. Projects conducted under the legislation are carried out by the EPA’s Great Lakes National Program Office.

When it was passed, the Great Lakes Legacy Act provided \$395 million over five years for the EPA to conduct its contaminated sediment remediation programs. The Act also stipulates that local government and non-government sponsors must fund at least 35% of the costs of initial clean-up projects and 100% of maintenance costs after the clean-up is complete. H.R. 6460 would authorize a total of \$775 million to conduct sediment contamination remediation and research and development projects, which is nearly double the funding level authorized by the Great Lakes Legacy Act of 2002.

For more information on the Great Lakes Legacy Act, please see this Website:
<http://www.epa.gov/glla/index.html>.

Committee Action: H.R. 6460 was introduced July 10, 2008, and referred to the Committee on Transportation and Infrastructure, which held a mark-up and reported the bill, as amended, by voice vote on July 31, 2008.

Cost to Taxpayers: According to preliminary estimates by CBO, H.R. 6460 would authorize \$155 million in FY 2009 and \$775 million over the FY 2009 through FY 2013 period.

Does the Bill Expand the Size and Scope of the Federal Government?: No.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No

Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits? An earmarks/revenue benefits statement required under House Rule XXI, Clause 9(a) was not available at press time.

Constitutional Authority: A committee report citing constitutional authority is unavailable. House Rule XIII, Section 3(d)(1), requires that all committee reports contain “a statement citing the specific powers granted to Congress in the Constitution to enact the law proposed by the bill or joint resolution.”

RSC Staff Contact: Andy Koenig; andy.koenig@mail.house.gov; 202-226-9717.

S.J.Res. 35—A joint resolution to amend Public Law 108-331 to provide for the construction and related activities in support of the Very Energetic Radiation Imaging Telescope Array System (VERITAS) project in Arizona (Leahy, D-VT)

Order of Business: S.J.Res. 35 is scheduled to be considered under suspension of the rules on Wednesday, September 17, 2008.

Summary: S.J.Res. 35 would authorize the board of regents of the Smithsonian Institution to construct the Very Energetic Radiation Imaging Telescope Array System (VERITAS) in the Whipple Observatory Base Camp on Mount Hopkins in Arizona. Under Public Law 108-331, the Smithsonian Institution was authorized to construct the VERITAS on Kitt Peak, outside Tucson, Arizona. Congressional action is required to amend current law to allow the system to be built at an alternative location.

Additional Background: On September 29, 2004, the House passed H.R. 5105, a bill to authorize the Board of Regents of the Smithsonian Institution to carry out construction and related activities in support of the collaborative VERITAS project on Kitt Peak near Tucson, Arizona. The bill authorized \$1 million for fiscal year 2005 for the Board of Regents of the Smithsonian Institution to carry out construction and related activities in support of the VERITAS project on Kitt Peak. VERITAS is a telescope that detects very high energy gamma-rays from deep-space objects and phenomena (such as black holes, supernovas, and distant clusters of galaxies).

After construction of the VERITAS project began in 2005, the Tohono O’odham Nation of American Indians objected, citing the project’s possible effect on the cultural value of Kitt Peak to the tribe. Though litigation brought by the Tohono O’odham Nation was dismissed, the National Science Foundation (NSF) and the Energy Department decided to move construction of the system to the Whipple Observatory Base Camp on Mount Hopkins, some 35 miles away. In order to carry out the project at the new location, Congresses must pass legislation to change the location cited in current law.

Committee Action: S.J.Res. 35 was introduced May 22, 2008, and passed the Senate by Unanimous Consent on July 17, 2007. On July 21, 2008, the bill was received in the House and referred to the Committee on Transportation and Infrastructure, which held a mark-up and reported the bill on July 31, 2008.

Cost to Taxpayers: According to preliminary estimates by CBO, “S. J. Res. 35 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would not affect the budgets of state, local, or tribal governments.”

Does the Bill Expand the Size and Scope of the Federal Government? No.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates? No

Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits? An earmarks/revenue benefits statement required under House Rule XXI, Clause 9(a) was not available at press time.

Constitutional Authority: A committee report citing constitutional authority is unavailable. House Rule XIII, Section 3(d)(1), requires that all committee reports contain “a statement citing the specific powers granted to Congress in the Constitution to enact the law proposed by the bill or joint resolution.”

RSC Staff Contact: Andy Koenig; andy.koenig@mail.house.gov; 202-226-9717.

H.R. 6627—Smithsonian Institution Facilities Authorization Act of 2008 (Oberstar, D-MN)

Order of Business: H.R. 6627 is scheduled to be considered under suspension of the rules on Wednesday, September 17, 2008.

Summary: H.R. 6627 would authorize the Board of Regents of the Smithsonian Institution to design and build two new laboratories. The bill would authorize \$41 million over five years to design and construct laboratory and support space at the Mathias Laboratory at the Smithsonian Environmental Research Center in Edgewater, Maryland. In addition, H.R. 6627 would authorize the appropriation of \$14 million over five years to design and construct a laboratory at the terrestrial research program of the Smithsonian tropical research institute in Gamboa, Panama.

Additional Background: According to [House Report 110-842](#):

The current Mathias Laboratory complex houses approximately 146 employees and fellows. It exceeds its capacity for staff by 40%, and is considered unsuitable for the Smithsonian Environmental Research Center’s (SERC’s) scientific mission and the safety of staff. The proposed 52,000 square foot replacement laboratory would be connected with the modified existing structure, a building that was constructed in seven phases between 1978 and 2000.

The Smithsonian would also demolish a series of trailers and other ad hoc structures, some more than 30 years old, which pepper the site and which currently provide 65 percent of SERC’s office space and 25 percent of its laboratory space.

Committee staff has visited SERC on several occasions over the last few years and advised Members on the decaying condition of the existing structures. The Committee views the project as a highly desirable and overdue modernization of a critical research facility that serves the Smithsonian’s core scientific mission.

Section 3 of H.R. 6627 would authorize \$14 million for fiscal 2009 and 2010 to construct and consolidate laboratory space to accommodate the terrestrial research program of the Smithsonian Tropical Research Institute (STRI) at a site in Gamboa, Panama. The project would consolidate space from existing locations scattered throughout Panama, and would demolish a 1930’s-era school building to construct a replacement

building on the site. Members and staff have visited STRI facilities in Panama in recent years, and in 2008 toured the site of the proposed Gamboa construction. The Committee supports the project.

Committee Action: H.R. 6627 was introduced on July 29, 2008, and referred to the Committee on House Administration, which held a mark-up and reported the bill on July 31, 2008.

Cost to Taxpayers: According to preliminary estimates by CBO, H.R. 6627 would authorize the appropriation of \$55 million over the FY 2009 through FY 2013 period.

Does the Bill Expand the Size and Scope of the Federal Government? No.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates? No

Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits? [House Report 110-842](#) states that “H.R. 6627 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of rule XXI of the Rules of the House of Representatives.

Constitutional Authority: [House Report 110-842](#) cites constitutional authority Article 1, Section 8, but does not cite a specific clause. House Rule XIII, Section 3(d)(1), requires that all committee reports contain “a statement citing the *specific powers* granted to Congress in the Constitution to enact the law proposed by the bill or joint resolution.” *[emphasis added]*

RSC Staff Contact: Andy Koenig; andy.koenig@mail.house.gov; 202-226-9717.

H.R. 5840—Insurance Information Act of 2008 (*Kanjorski, D-PA*)

Order of Business: H.R. 5840 is scheduled to be considered under suspension of the rules on Wednesday, September 17, 2008.

Summary: H.R. 5840 would establish the Office of Insurance Information within the Department of Treasury. The office would be headed by a Deputy Assistant Secretary, appointed by the Secretary of Treasury. The Deputy Assistant Secretary heading the office would be authorized to analyze, collect, and disseminate information regarding all lines of insurance except health insurance. The Deputy Assistant Secretary would also be authorized to establish a federal policy on international insurance matters and advise the Secretary of Treasury on matters of major domestic and international insurance policy.

The bill would also allow the Office of Insurance Information to preempt any state law or regulation that is inconsistent with any international insurance policy that has been set forth in an agreement between the U.S. and a foreign government. The Deputy Assistant Secretary would be required to determine if such an inconsistency exists. No state would be authorized to enforce any law or regulation that has been preempted, however, H.R. 5840 would give states a right to appeal any determination of inconsistency.

H.R. 5840 would require the Deputy Assistant Secretary to provide a report to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate regarding the financial state of the insurance industry. The bill would require that the report be submitted once every Congress. In addition, the legislation authorizes the Office of Insurance Information to use existing Department of Treasury resources to carry out the provisions of the bill.

Finally, H.R. 5840 would establish the Advisory Group to the Office of Insurance Information, which would make recommendations to the Secretary and the Deputy Assistant Secretary regarding the function of the Office of Insurance Information.

The bill would authorize the appropriation of “such sums” for the Department of Treasury to carry out these requirements.

Additional Background: In March of 2008, the Department of Treasury released a report entitled “[Blueprint for a Modernized Financial Regulatory Structure](#).” The purpose of the report was to provide long-term and short-term recommendations to improve the regulatory structure of the U.S. Specifically, the report focused on improving and streamlining regulatory coordination and oversight without inhibiting the continued growth and stability of the U.S. financial services industry and the economy as a whole. The report made the following short-term recommendation regarding insurance regulations:

Treasury recommends the establishment of a federal insurance regulatory structure to provide for the creation of an optional federal charter. This structure is similar to the current dual-chartering system for banking. An Office of National Insurance within Treasury should oversee this federal regulatory structure. Treasury also recommends that, as an intermediate step, Congress establish a Federal Office of Insurance Oversight within Treasury to establish a federal presence in insurance for international and regulatory issues.

H.R. 5840 would implement this recommendation.

Committee Action: H.R. 5840 was introduced April 17, 2008, and referred to the Committee on Committee on Financial Services, which held a mark-up and reported the bill, as amended, by voice vote on July 9, 2008.

Cost to Taxpayers: A CBO score for H.R. 5840 is not currently available.

Does the Bill Expand the Size and Scope of the Federal Government? Yes, H.R. 5840 would establish a new Office of Insurance Information within the Department of Treasury..

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates? No

Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits? An earmarks/revenue benefits statement required under House Rule XXI, Clause 9(a) was not available at press time.

Constitutional Authority: A committee report citing constitutional authority is unavailable. House Rule XIII, Section 3(d)(1), requires that all committee reports contain “a statement citing the specific powers granted to Congress in the Constitution to enact the law proposed by the bill or joint resolution.”

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H.R. 5611—National Association of Registered Agents and Brokers Reform Act of 2008 (*Scott, D-GA*)

Order of Business: H.R. 5611 is scheduled to be considered under suspension of the rules on Wednesday, September 17, 2008.

Summary: H.R. 5611 would create the National Association of Registered Agents and Brokers (NARAB) to operate as a nonprofit organization that would provide a mechanism for insurance producers to obtain licensing, education and other qualification requirements on a multi-state basis “while preserving the right of States to license, supervise, and discipline insurance producers.” Under the legislation, a NARAB member would be authorized to “sell, solicit, negotiate, effect, procure, deliver, renew, continue, or bind insurance in any State for any line or lines of insurance specified in such producer’s home State license.”

H.R. 5611 would establish requirements for becoming a member of NARAB. The bill would require any presumptive member to undergo a criminal background check and allow the Attorney General to search the records of the Criminal Justice Information Services Division of the Federal Bureau of Investigation for information regarding a potential member’s background. The bill would allow NARAB to deny admission to any state-licensed insurer that either fails a criminal background check or has had their state insurance license revoked in the past. NARAB would also be allowed to establish criteria for admission based on experience and education as it sees fit.

The bill would stipulate that only the insurance provider’s home state could deny a license to a NARAB member. NARAB would have the authority to suspend any of its members or place them on probation. H.R. 5611 would also require NARAB to establish a board of directors to oversee the association and a national toll-free number for insurance customers to file complaints regarding members. The bill would also stipulate that NARAB membership does not allow members to avoid paying state insurance licensing fees.

Additional Background: Under current law, insurance agents are licensed through individual states and there is no mechanism for a national licensing system. The Gramm-Leach-Bliley Act of 1999 (GLB) stipulated that states establish a universal licensing system to achieve a prescribed uniformity, or reciprocity, in insurer producer licensing. In the event that the states did not create such a system, a federal preemptive insurance sales force licensing system, called the National Association of Registered Agents and Brokers (NARAB) would be created to establish uniform insurance licensing on a national level.

According to the Department of Treasury's [Blueprint for a Modernized Financial Regulatory Structure](#):

The GLB Act's provisions to establish a federal preemptive sales force licensing system, the NARAB, if at least a majority of the states failed to develop a more unified system within three years of the GLB Act's enactment, compelled the streamlining of the multi-state licensing of insurance sales personnel. To be more precise, at least a majority of the states had to enact either "uniform laws and regulations governing the licensure of individuals and entities authorized to sell and solicit the purchase of insurance" or "reciprocity laws and regulation governing the licensure of nonresident individuals and entities authorized to sell and solicit insurance." Although unable to meet the "uniform" test, twenty-six states, a majority, adopted the necessary laws and reciprocity arrangements to meet the "reciprocity" test, and thus prevented the triggering of NARAB. Since successfully preventing the triggering of NARAB by meeting the reciprocity statutory requirement, states have failed to achieve uniformity in licensing standards.

H.R. 5611 would establish the NARAB in response to the Department of Treasury's assertion that states have failed to produce an adequate national uniformity in licensing standard.

Committee Action: H.R. 5611 was introduced March 13, 2008, and referred to the Committee on Committee on Financial Services, which held a mark-up and reported the bill, as amended, by voice vote on July 9, 2008.

Cost to Taxpayers: A CBO score for H.R. H.R. 5611 is not currently available.

Does the Bill Expand the Size and Scope of the Federal Government? No.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates? No

Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits? An earmarks/revenue benefits statement required under House Rule XXI, Clause 9(a) was not available at press time.

Constitutional Authority: A committee report citing constitutional authority is unavailable. House Rule XIII, Section 3(d)(1), requires that all committee reports contain "a statement citing the specific powers granted to Congress in the Constitution to enact the law proposed by the bill or joint resolution."

RSC Staff Contact: Andy Koenig; andy.koenig@mail.house.gov; 202-226-9717.

H.R. 3019— Expand and Preserve Home Ownership Through Counseling Act (Biggert, R-IL)

Order of Business: H.R. 3019 is scheduled for consideration on Wednesday, September 17, 2008, under a motion to suspend the rules and pass the bill.

Summary: H.R. 3019 would, among other things, establish an office of housing counseling within the Department of Housing and Urban Development. The following is a summary of the major parts of the legislation:

Establishment of Office of Housing Counseling

The functions of the office are to have responsibility for all activities and matters relating to homeownership counseling and rental housing counseling including “research, grant administration, public outreach, and policy development relating to such counseling”, etc. In addition, the bill would require that the Secretary appoint an advisory committee to provide advice and oversight regarding the carrying out of the Office of Housing Counseling.

Counseling Procedures

The bill amends the Housing and Urban Development (HUD) Act of 1968 to include counseling procedures as a required duty of HUD. The bill requires that the Secretary must “establish, coordinate, and monitor the administration ... of the counseling procedures for homeownership counseling and rental housing counseling.” In addition, the bill requires that the Secretary provide various software programs for consumers to use in evaluating different residential mortgage loan proposals.

National Public Service Multimedia Campaigns to Promote Housing Counseling

The bill would require that the Director of Housing Counseling (authorized in Sec. 2) develop and conduct “national public service multimedia campaigns designed to make persons facing mortgage foreclosure, persons considering a subprime mortgage loan to purchase a home, elderly persons, persons who face language barriers, low-income persons, and other potentially vulnerable consumers aware that it is advisable, before seeking or maintaining a residential mortgage loan, to obtain homeownership counseling from an unbiased and reliable sources ... through programs sponsored by the Secretary of HUD.” The bill authorizes \$3 million, per year, for FY 2008 through FY 2010 for the development and implementation of this program.

Education Programs

The bill would require that HUD provides advice and technical assistance to states, local governments, and nonprofit organizations in the areas of residential mortgage loans, home mortgages, mortgage refinancing, home equity, and home repair loans.

Grants for Housing Counseling Assistance

The bill would require that HUD make grants available to states, local governments, and nonprofit organizations who provide homeownership or rental counseling. The bill authorizes \$45 million for each fiscal year FY 2008 through FY 2011.

Study on Defaults and Foreclosures

The bill requires that HUD conduct an extensive report on the root causes of default and foreclosure of home loans.

Possible Conservative Concerns: Some conservatives may be concerned that this legislation seeks to address homeownership concerns by creating further bureaucracies within the Department of Housing and Urban Development, and creates a new grant program.

Committee Action: H.R. 3019 was introduced on July 12, 2007, and referred to the House Committee on Financial Services, which took no official action.

Cost to Taxpayers: A CBO score for H.R. 3019 is unavailable, but the bill authorizes \$3 million, per year, for FY 2008 through FY 2010 for the National Public Service Multimedia Campaigns to Promote Housing Counseling, and \$45 million for each fiscal year FY 2008 through FY 2011 for Grants for Housing Counseling Assistance.

Does the Bill Expand the Size and Scope of the Federal Government? Yes, the bill expands the Department of Housing and Urban Development, and creates a new grant program.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates? No.

Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits? A Committee Report citing compliance with rules regarding earmarks, limited tax benefits, or limited tariff benefits was not available. Such a report is not required because the bill is being considered under a suspension of the rules.

Constitutional Authority: A Committee Report citing constitutional authority was not available. Such a report is not required because the bill is being considered under a suspension of the rules.

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H.R. 998— Civil Rights History Project Act of 2007 (*McCarthy, D-NY*)

Order of Business: H.R. 998 is scheduled for consideration on Wednesday, September 17, 2008, under a motion to suspend the rules and pass the bill.

Summary: H.R. 998 would require the Librarian of Congress (LOC) and the Secretary of the Smithsonian Institution to establish an oral history project, including video and audio recordings, visual and written materials relevant to participants in the Civil Rights movement. The bill would allow the LOC to accept and spend donations for such projects. The bill authorizes \$500,000 for FY 2009 and such sums for the following years.

Committee Action: H.R. 998 was introduced on February 12, 2007 and referred to the House Committee on House Administration. On July 30, 2008 the Committee held a mark-up and reported the bill, as amended, by voice vote.

Cost to Taxpayers: Based on information from the two agencies, and assuming appropriation of the necessary amounts, CBO estimates that enacting H.R. 998 would cost \$4 million over the 2009-2013 period. Enacting H.R. 998 could affect direct spending and receipts, but the spending

and the receipts would offset each other. Thus, CBO estimates that provision would not have a significant net effect on the federal budget.

Does the Bill Expand the Size and Scope of the Federal Government? Yes, the bill authorizes a new project at the LOC.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates? No.

Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits? House Committee Report [110-848](#) reads, “Clause 9 of House Rule XXI requires committee reports on public bills and resolutions to contain an identification of congressional ‘earmarks,’ limited tax benefits, limited tariff benefits, and the names of requesting Members. The bill contains no such items either as introduced or as reported to the House.”

Constitutional Authority: House Committee Report [110-848](#), cites constitutional authority is available, Article I, Section 8, Clause 18 of the Constitution.

RSC Staff Contact: Sarah Makin; sarah.makin@mail.house.gov; 202-226-0718.

H. Con. Res. 388— Expressing the sense of Congress that the Department of Defense and the Federal Voting Assistance Program should take certain additional and timely measures to ensure that members of the Armed Forces and their dependents are provided with reasonable information on how to register to vote and vote in the 2008 general elections (Blunt, R-MO)

Order of Business: The resolution is scheduled to be considered on Wednesday, September 17, 2008, under a motion to suspend the rules and pass the resolution.

Summary: H. Con. Res. 388 would express the sense that the House or Representatives

- “it is in the interests of the United States to ensure that the Secretary of Defense and the Federal Voting Assistance Program provide members of the Armed Forces and their dependents who are eligible under the Uniformed and Overseas Citizens Absentee Voting Act with sufficient information regarding opportunities to register to vote and to request an absentee ballot for elections occurring in 2008, including the November 2008 general election;
- “the Secretary of Defense and the Federal Voting Assistance Program must, on a monthly basis starting July 15, 2008, through the November 2008 general election, provide all eligible members of the Armed Forces and their dependents with an electronic reminder of the voter registration and absentee ballot process available under the Uniformed and Overseas Citizens Absentee Voting Act, and, as required by Department policy, provide all members of the Armed Forces and their dependents with an electronic or paper copy

of the Federal Post Card Application, along with sufficient instruction on completing and returning the application to the appropriate election official;

- “State and local election officials should work with the Federal Voting Assistance Program to develop methods, consistent with privacy and security, for obtaining updated addresses and contact information, if possible, for any member of the Armed Forces or dependent who has been identified by the State or local election official as having an undeliverable ballot address;
- “the Under Secretary of Defense for Personnel and Readiness should report to the Committee on House Administration of the House of Representatives, the Committee on Rules and Administration of the Senate, and the Committees on Armed Services of the House of Representatives and Senate not later than September 15, 2008, on the efforts made by the Department of Defense to--
 - “educate members of the Armed Forces on the process of voter registration and absentee voting in the 2008 general election,
 - “provide all eligible members of the Armed Forces and their dependents with the Federal Post Card Application to register to vote and cast absentee ballots in such election, and
 - “cooperate effectively with State and local election officials in their efforts to register these individuals and distribute and collect their absentee ballots;
- States must redouble their efforts to make sure that local jurisdictions collect the mandated information for individuals who are eligible under the Uniformed and Overseas Citizens Absentee Voting Act, and should work in partnership with the Federal Government to develop best practices (including the use of electronic means) for encouraging voting participation among members of the Armed Forces and their dependents and citizens living overseas; and
- “the Department of Defense, the Federal Voting Assistance Program, the Election Assistance Commission, and State governments should examine recommendations made by the Election Assistance Commission in its September 2007 survey findings regarding the Uniformed and Overseas Citizens Absentee Voting Act.”

The resolution lists a number of findings, including:

- “members of the Armed Forces and their dependents deserve every reasonable opportunity to participate in the electoral process given their daily sacrifices to protect our liberty and freedom;
- “Congress enacted the Uniformed and Overseas Citizens Absentee Voting Act in part to ensure that members of the Armed Forces and their dependents are provided with sufficient information, opportunities, and balloting materials to foster their participation in Federal elections;
- “the Election Assistance Commission found that less than 17 percent of the 6 million citizens eligible under the Uniformed and Overseas Citizens Absentee Voting Act chose to participate in the 2006 general election;
- “the Election Assistance Commission further found that of the 48,600 Uniformed and Overseas Citizens Absentee Voting Act ballots that were not counted by States and local jurisdictions in the November 2006 elections, 70 percent were not counted due to incorrect or undeliverable addresses;

- “the Election Assistance Commission further found that more than 10 percent of all uncounted military and overseas absentee ballots were rejected because they were received past the required deadline;
- “the Election Assistance Commission further found that more effort needs to be made by the States and the Department of Defense to ensure that members of the Armed Forces and their dependents and citizens living overseas are made fully aware of their voting rights;
- “the Under Secretary of Defense for Personnel and Readiness and the Federal Voting Assistance Program are required to create and utilize a Federal Post Card Application that allows members of the Armed Forces and their dependents to use a single application to register to vote and request an absentee ballot;
- “a survey conducted recently by the Inspector General for the Department of Defense analyzed the effectiveness of the Federal Voting Assistance Program during the 2006 general election, and found that only 40 percent of members of the Armed Forces received voting information from the military and only 33 percent were aware of the Federal Post Card Application;
- “in April 2008 the Deputy Under Secretary of Defense for Personnel and Readiness testified before the Committee on House Administration that the Department of Defense had not provided all members of the Armed Forces and their dependents with post card applications by the January 15, 2008, deadline, as required by Department policy, and that the Department has yet to comply with this requirement; and
- “many of Department of Defense's outreach efforts, including its Armed Forces Voter Week, are scheduled to occur 60 days before the November 2008 election, which may not provide members of the Armed Forces and their dependents with sufficient time to complete and return the Federal Post Card Applications.”

Committee Action: H. Con. Res. 388 was introduced on July 8, 2008, and referred to the Committee on House Administration, as well as the Committee on Armed Services. Neither Committee took any official action.

Cost to Taxpayers: The resolution does not authorize expenditures.

Does the Bill Expand the Size and Scope of the Federal Government? No.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates? No.

RSC Staff Contact: Sarah Makin; sarah.makin@mail.house.gov; 202-226-0718.

H.R. 6625— Veteran Voting Support Act (*Brady, D-PA*)

Order of Business: H.R. 6625 is scheduled for consideration on Wednesday, September 17, 2008, under a motion to suspend the rules and pass the bill.

Summary: H.R. 6625 would designate Department of Veterans Affairs (VA) facilities as voter registration agencies. Furthermore, the bill would require that these voter registration facilities provide information relating to the opportunity to request an absentee ballot, make available absentee ballot applications and absentee ballots upon request, and work with local election officials to ensure the proper delivery of absentee ballot applications and absentee ballots.

The bill would prohibit an election administration official from providing voting information to veterans at any facility of the VA. The bill would require that the VA provide “reasonable” access to facilities of the VA to state and local election officials for the purpose of providing nonpartisan information.

Committee Action: H.R. 6625 was introduced on July 29, 2008 and referred to the Committee on House Administration, as well as the Committee on Veterans’ Affairs. On July 30, 2008 the Committee held a mark-up and reported the bill, as amended, by voice vote. On July 30, 2008 the House Committee on Administration held a mark-up, and reported the bill, as amended, by voice vote.

Cost to Taxpayers: No CBO score exists.

Does the Bill Expand the Size and Scope of the Federal Government? Yes, the bill adds new authority to the VA to participate in voter registration.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates? No.

Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits? A Committee Report citing compliance with rules regarding earmarks, limited tax benefits, or limited tariff benefits was not available. Such a report is not required because the bill is being considered under a suspension of the rules.

Constitutional Authority: A Committee Report citing constitutional authority was not available. Such a report is not required because the bill is being considered under a suspension of the rules.

RSC Staff Contact: Sarah Makin; sarah.makin@mail.house.gov; 202-226-0718.

H. Con. Res. 388— Expressing the sense of Congress that the Department of Defense and the Federal Voting Assistance Program should take certain additional and timely measures to ensure that members of the Armed Forces and their dependents are provided with reasonable information on how to register to vote and vote in the 2008 general elections (Blunt, R-MO)

Order of Business: The resolution is scheduled to be considered on Wednesday, September 17, 2008, under a motion to suspend the rules and pass the resolution.

Summary: H. Con. Res. 388 would express the sense that the House of Representatives

- “it is in the interests of the United States to ensure that the Secretary of Defense and the Federal Voting Assistance Program provide members of the Armed Forces and their dependents who are eligible under the Uniformed and Overseas Citizens Absentee Voting Act with sufficient information regarding opportunities to register to vote and to request an absentee ballot for elections occurring in 2008, including the November 2008 general election;
- “the Secretary of Defense and the Federal Voting Assistance Program must, on a monthly basis starting July 15, 2008, through the November 2008 general election, provide all eligible members of the Armed Forces and their dependents with an electronic reminder of the voter registration and absentee ballot process available under the Uniformed and Overseas Citizens Absentee Voting Act, and, as required by Department policy, provide all members of the Armed Forces and their dependents with an electronic or paper copy of the Federal Post Card Application, along with sufficient instruction on completing and returning the application to the appropriate election official;
- “State and local election officials should work with the Federal Voting Assistance Program to develop methods, consistent with privacy and security, for obtaining updated addresses and contact information, if possible, for any member of the Armed Forces or dependent who has been identified by the State or local election official as having an undeliverable ballot address;
- “the Under Secretary of Defense for Personnel and Readiness should report to the Committee on House Administration of the House of Representatives, the Committee on Rules and Administration of the Senate, and the Committees on Armed Services of the House of Representatives and Senate not later than September 15, 2008, on the efforts made by the Department of Defense to--
 - “educate members of the Armed Forces on the process of voter registration and absentee voting in the 2008 general election,
 - “provide all eligible members of the Armed Forces and their dependents with the Federal Post Card Application to register to vote and cast absentee ballots in such election, and
 - “cooperate effectively with State and local election officials in their efforts to register these individuals and distribute and collect their absentee ballots;
- States must redouble their efforts to make sure that local jurisdictions collect the mandated information for individuals who are eligible under the Uniformed and Overseas Citizens Absentee Voting Act, and should work in partnership with the Federal Government to develop best practices (including the use of electronic means) for encouraging voting participation among members of the Armed Forces and their dependents and citizens living overseas; and
- “the Department of Defense, the Federal Voting Assistance Program, the Election Assistance Commission, and State governments should examine recommendations made by the Election Assistance Commission in its September 2007 survey findings regarding the Uniformed and Overseas Citizens Absentee Voting Act.”

The resolution lists a number of findings, including:

- “members of the Armed Forces and their dependents deserve every reasonable opportunity to participate in the electoral process given their daily sacrifices to protect our liberty and freedom;
- “Congress enacted the Uniformed and Overseas Citizens Absentee Voting Act in part to ensure that members of the Armed Forces and their dependents are provided with sufficient information, opportunities, and balloting materials to foster their participation in Federal elections;
- “the Election Assistance Commission found that less than 17 percent of the 6 million citizens eligible under the Uniformed and Overseas Citizens Absentee Voting Act chose to participate in the 2006 general election;
- “the Election Assistance Commission further found that of the 48,600 Uniformed and Overseas Citizens Absentee Voting Act ballots that were not counted by States and local jurisdictions in the November 2006 elections, 70 percent were not counted due to incorrect or undeliverable addresses;
- “the Election Assistance Commission further found that more than 10 percent of all uncounted military and overseas absentee ballots were rejected because they were received past the required deadline;
- “the Election Assistance Commission further found that more effort needs to be made by the States and the Department of Defense to ensure that members of the Armed Forces and their dependents and citizens living overseas are made fully aware of their voting rights;
- “the Under Secretary of Defense for Personnel and Readiness and the Federal Voting Assistance Program are required to create and utilize a Federal Post Card Application that allows members of the Armed Forces and their dependents to use a single application to register to vote and request an absentee ballot;
- “a survey conducted recently by the Inspector General for the Department of Defense analyzed the effectiveness of the Federal Voting Assistance Program during the 2006 general election, and found that only 40 percent of members of the Armed Forces received voting information from the military and only 33 percent were aware of the Federal Post Card Application;
- “in April 2008 the Deputy Under Secretary of Defense for Personnel and Readiness testified before the Committee on House Administration that the Department of Defense had not provided all members of the Armed Forces and their dependents with post card applications by the January 15, 2008, deadline, as required by Department policy, and that the Department has yet to comply with this requirement; and
- “many of Department of Defense’s outreach efforts, including its Armed Forces Voter Week, are scheduled to occur 60 days before the November 2008 election, which may not provide members of the Armed Forces and their dependents with sufficient time to complete and return the Federal Post Card Applications.”

Committee Action: H. Con. Res. 388 was introduced on July 8, 2008, and referred to the Committee on House Administration, as well as the Committee on Armed Services. Neither Committee took any official action.

Cost to Taxpayers: The resolution does not authorize expenditures.

Does the Bill Expand the Size and Scope of the Federal Government? No.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates? No.

RSC Staff Contact: Sarah Makin; sarah.makin@mail.house.gov; 202-226-0718.

H. Con. Res. 61— Expressing the sense of the Congress that the United States flag flown over the United States Capitol should be lowered to half-mast one day each month in honor of the brave men and women from the United States who have lost their lives in military conflicts (*Davis, D-TN*)

Order of Business: The resolution is scheduled to be considered on Wednesday, September 17, 2008, under a motion to suspend the rules and pass the resolution.

Summary: H. Con. Res. 61 would express the sense of Congress that “the United States flag flown over the United States Capitol should be lowered to half-mast one day each month in honor of the brave men and women from the United States who have lost their lives in military conflicts.”

The resolution lists a number of findings, including:

- “More than 1,000,000 brave men and women from the United States have died in military conflicts from the time of the Revolutionary War through Operation Iraqi Freedom;
- “The people of the United States mourn the loss of the brave men and women who have given their lives for this country;
- “The United States has not forgotten the sacrifices that brave men and women have made to protect our Nation and our freedom; and
- “Paying tribute to the brave men and women from the United States who gave their lives for this Nation demonstrates the spirit of patriotism that is the foundation of our great country.”

Committee Action: H. Con. Res. 61 was introduced on February 8, 2008, and referred to the Committee on House Administration, which took no official action.

Cost to Taxpayers: The resolution does not authorize expenditures.

Does the Bill Expand the Size and Scope of the Federal Government? No.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates? No.

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H. Con. Res. 415—Celebrating 75 years of effective State-based alcohol regulation and recognizing State lawmakers, regulators, law enforcement officers, the public health community and industry members for creating a workable, legal, and successful system of alcoholic beverage regulation, distribution, and sale (Coble, R-VA)

Order of Business: The resolution is scheduled to be considered on Wednesday, September 17, 2008, under a motion to suspend the rules and pass the resolution.

Summary: The text of H. Con. Res. 415 is not yet available from the Government Printing Office. The resolution would Celebrate 75 years of effective State-based alcohol regulation and recognizing State lawmakers, regulators, law enforcement officers, the public health community and industry members for creating a workable, legal, and successful system of alcoholic beverage regulation, distribution, and sale.

Committee Action: H. Con. Res. 415 was introduced on September 16, 2008, and referred to the Committee on the Judiciary, which took no official action.

Cost to Taxpayers: The resolution does not authorize expenditures.

Does the Bill Expand the Size and Scope of the Federal Government? No.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates? No.

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